

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED

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2003 DEC 23 P 1:23

BROOKE K. WHITMAN, Individually and as
Mother and Next Friend of SAMANTHA-
KATE WHITMAN, a minor, and JOEL.,
WHITMAN, Individually

Plaintiffs,

v.

AUTOMATIC DATA PROCESSING, INC.,
CHANNEL ONE COMMUNICATIONS
CORPORATION, d/b/a CHANNEL ONE
NETWORK, and PRIMEDIA, INC.

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No.
03-CV-12543RGS

**ANSWER OF AUTOMATIC DATA PROCESSING, INC.
TO FIRST AMENDED COMPLAINT AND
JURY CLAIM**

Defendant, Automatic Data Processing, Inc. ("Defendant") hereby answers the plaintiffs' First Amended Complaint and Jury Claim in numbered paragraphs corresponding to the numbered paragraphs of the First Amended Complaint and Jury Claim as follows:

1. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

2. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

3. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

4. Defendant admits that Automatic Data Processing, Inc. is a corporation with a “principal place of business located at 1 ADP Blvd., Roseland, New Jersey” and denies the remaining allegations contained in this paragraph.

5. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

6. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

FACTUAL ALLEGATIONS

7. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

8. Defendant denies the allegations contained in this paragraph.

9. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

10. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

11. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

12. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

13. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

14. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

15. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

16. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

17. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

18. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those

allegations.

19. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

20. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

21. Defendant states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies those allegations.

CAUSES OF ACTION

1. Defendant states that this paragraph states a “cause of action” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be required, defendant denies the allegations contained in this paragraph.

2. Defendant states that this paragraph states a “cause of action” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be required, defendant denies the allegations contained in this paragraph.

3. Defendant states that this paragraph states a “cause of action” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be required, defendant denies the allegations contained in this paragraph.

DEMANDS FOR RELIEF

1. Defendant states that this paragraph states a “demand for relief” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be

required, defendant denies the allegations contained in this paragraph.

2. Defendant states that this paragraph states a “demand for relief” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be required, defendant denies the allegations contained in this paragraph.

3. Defendant states that this paragraph states a “demand for relief” to which no responsive pleading is required. To the extent a responsive pleading may be deemed to be required, defendant denies the allegations contained in this paragraph.

FIRST AFFIRMATIVE DEFENSE

The Complaint and every count thereof fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The corporate entity named in the Complaint is not an entity which provided services as alleged in the Complaint and is therefore a misnamed party.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs’ claims are barred because there is no privity of contract between plaintiffs and defendant Automatic Data Processing, Inc.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs’ claims are barred because defendant Automatic Data Processing, Inc. owed no duty to the plaintiffs.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs’ claims are barred because the injuries alleged in the First Amended Complaint are not foreseeable and/or could not have been proximately caused by defendant Automatic Data Processing, Inc.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by applicable statutes of limitation.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' recovery on their claims, if any, should be reduced in proportion to their own fault.

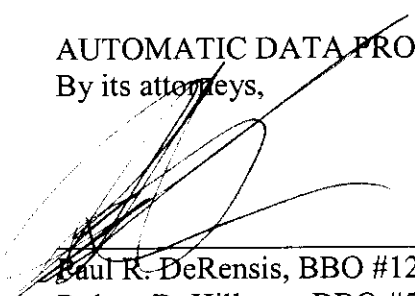
EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' damages, if any, are the result of conduct of third persons for which defendant is not legally responsible.

NINTH AFFIRMATIVE DEFENSE

Defendant reserves the right to amend or supplement these Affirmative Defenses seasonably prior to trial.

AUTOMATIC DATA PROCESSING, INC.,
By its attorneys,



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Robert D. Hillman, BBO #552637
DEUTSCH WILLIAMS BROOKS
DeRENSIS & HOLLAND P.C.
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Boston, MA 02110-1235
(617) 951-2300

Date: December 23, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by **HAND** on this date